

# EXHIBIT 1

MUNGER, TOLLES & OLSON LLP

ROBERT K. JOHNSON<sup>1</sup>  
ALAN V. FRIEDMAN<sup>1</sup>  
RONALD L. OLSON<sup>1</sup>  
RICHARD S. VOLPERT  
DENNIS C. BROWN<sup>1</sup>  
ROBERT E. DENHAM  
JEFFREY I. WEINBERGER  
CARY B. LERMAN  
CHARLES D. SIEGAL  
RONALD K. MEYER  
GREGORY P. STONE  
BRAD O. BRIAN  
BRADLEY S. PHILLIPS  
GEORGE W. GARVEY  
WILLIAM D. TEMKO  
STEVEN L. GUISEI  
ROBERT B. KNAUSS  
STEPHEN M. KRISTOVICH  
JOHN W. SPIEGEL  
TERRY E. SANCHEZ  
STEVEN M. PERRY  
MARK B. HELM  
JOSEPH D. LEE  
MICHAEL R. DOYEN  
MICHAEL E. SOLOFF  
GREGORY D. PHILLIPS  
LAWRENCE C. BARTH  
KATHLEEN M. McDOWELL  
GLENN D. POMERANTZ  
THOMAS B. WALKER  
RONALD C. HAUSMANN  
PATRICK J. CAFFERTY, JR.  
JAY M. FUJITANI  
O'MALLEY M. MILLER  
SANDRA A. SEVILLE-JONES  
MARK H. EPSTEIN  
HENRY WEISSMANN  
KEVIN S. ALLRED  
BART H. WILLIAMS  
JEFFREY A. HEINTZ  
JUDITH T. KITANO  
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MARC T.G. DWORSKY  
JEROME C. ROTH  
STEPHEN D. ROSE  
GARTH T. VINCENT  
TED DANE  
STUART N. SENATOR  
MARTIN D. BERN

DANIEL P. COLLINS  
RICHARD E. DROOYAN  
ROBERT L. DELL ANGELO  
BRUCE A. ABBOTT  
JONATHAN E. ALTMAN  
MARY ANN TODD  
MICHAEL J. O'SULLIVAN  
KELLY M. KLAUS  
DAVID B. GOLDMAN  
BURTON A. GROSS  
KEVIN S. MASUDA  
HOJOON HWANG  
KRISTIN S. ESCALANTE  
DAVID C. DINIELLI  
ANDREA WEISS JEFFRIES  
PETER A. DETRE  
PAUL J. WATFORD  
DANA S. TREISTER  
CARL H. MOOR  
DAVID M. ROSENZWEIG  
DAVID H. FRY  
LISA J. DEMSKY  
MALCOLM A. HEINICKE  
GREGORY J. WEINGART  
TAMERLIN J. GODELEY  
JAMES C. RUTTEN  
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RICHARD ST. JOHN  
ROHIT K. SINGLA  
LUIS LI  
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SEAN ESKOVITZ  
FRED A. ROWLEY, JR.  
KATHERINE M. FORSTER  
BLANCA FROMM YOUNG  
RANDALL G. SUMMER  
MARIA SEFERIAN  
MANUEL F. CACHAN  
ROSEMARIE T. RING  
JOSEPH J. YBARRA  
KATHERINE K. HUANG  
MICHELLE T. FRIEDLAND  
TODD J. ROSEN  
SUSAN R. SZABO  
LYNN HEALEY SCADUTO

355 SOUTH GRAND AVENUE  
THIRTY-FIFTH FLOOR  
LOS ANGELES, CALIFORNIA 90071-1560  
TELEPHONE (213) 683-9100  
FACSIMILE (213) 687-3702

560 MISSION STREET  
SAN FRANCISCO, CALIFORNIA 94105-2907  
TELEPHONE (415) 512-4000  
FACSIMILE (415) 512-4077

September 23, 2010

ERIC J. LORENZINI  
LINOSAY D. McCASKILL  
KATE K. ANDERSON  
SUSAN TRAUB BOYD  
JENNIFER L. POLSE  
BRIAN R. HOCHLEUTNER  
GRANT A. DAVIS-DENNY  
JASON RANTANEN  
JONATHAN H. BLAVIN  
KAREN J. EPHRAIM  
LIKA C. MIYAKE  
MELINDA EADES LEMOINE  
ANDREW W. SONG  
YOHANCE C. EDWARDS  
SETH GOLDMAN  
JOSHUA P. GROBAN  
VICTORIA L. BOESCH  
HAILYN J. CHEN  
BRAD SCHNEIDER  
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MIRIAM KIM  
MISTY M. SANFORD  
BRIAN P. DUFF  
AIMEE FEINBERG  
KATHARINE L. HALL  
KATHERINE KU  
KIMBERLY A. CHI  
SHOSHANA E. BANNETT  
TINA CHAROENPONG  
LEE S. TAYLOR  
DEREK J. KAUFMAN  
KIMBERLY D. ENCINAS  
MARCUS J. SPIEGEL  
GABRIEL P. SANCHEZ  
BETHANY W. KRISTOVICH  
PAULA R. LEVY  
DAVID C. YANG  
WILLIAM E. CANO  
HENRY E. ORREN  
BENJAMIN W. HOWELL  
JACOB S. KREILKAMP  
JONATHAN M. WEISS  
ELISABETH J. NEUBAUER  
ERIC P. TUTTLE  
HEATHER E. TAKAHASHI  
KEVIN A. GOLDMAN  
ROBYN KALI BACON  
BERNARD A. ESKANDARI

JENNY M. JIANG  
KEITH R.D. HAMILTON, II  
SORAYA C. KELLY  
PATRICK ANDERSON  
JEFFREY Y. WU  
YUVAL MILLER  
MARK R. CONRAD  
DANIEL R. MCCARTHY  
M. LANCE JASPER  
ALISSA BRAHAM  
ADAM R. LAWTON  
PETER C. RENN  
RACHEL L. STEIN  
AVI BRAZ  
PUNEET K. SANOHU  
IAN J. MILLER  
MARINA A. TORRES  
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DAVID C. LACHMAN  
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GUY A. RUB  
AARON SEUI LOWENSTEIN  
DANIEL N. ELIZONDO  
LAURA D. SMOLOWE  
MELISSA CAMACHO-CHEUNG  
SARALA V. NAGALA  
JUSTIN L. McNABNEY  
LEO GOLDBARD  
KIMBERLY A. MORRIS  
MATTHEW A. MACDONALD  
CAROLYN V. ZABRYCKI  
ERIC S. NGUYEN  
ERIN E. SCHANNING  
MARGARET G. ZIEGLER  
ESTHER H. SUNG  
RICHARD D. ESBENSHADE<sup>1</sup>  
ALLISON B. STEIN  
PETER R. TAFT  
SUSAN E. NASH  
TRUC T. DO  
OF COUNSEL  
E. LEROY TOLLES  
(1922-2008)

<sup>1</sup>A PROFESSIONAL CORPORATION

VIA FACSIMILE (212) 805-7900

The Honorable Kimba M. Wood  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007-1312

Re: Arista Records LLC et al. v. Lime Wire LLC et al.,  
Case No. 06 CV 5936 (KMW)

Dear Judge Wood:

Pursuant to the Court's September 14, 2010 Pretrial Scheduling Order (Doc. No. 319), Plaintiffs respectfully submit the following list of issues that Plaintiffs intend to try at the January 18, 2011 trial in this matter:

**A. Claims for Relief**

1. Plaintiffs' claim for vicarious liability for copyright infringement (Count III of the First Amended Complaint).
2. Plaintiffs' claim for fraudulent conveyance (Count VI of the First Amended Complaint).
3. Plaintiffs' claim for unjust enrichment (Count VII of the First Amended Complaint).

WRITER'S DIRECT LINE  
(213) 683-9132  
(213) 683-5132 FAX  
Glenn.Pomerantz@mto.com

MUNGER, TOLLES & OLSON LLP

The Honorable Kimba M. Wood

September 23, 2010

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**B. Damages and Equitable Relief**

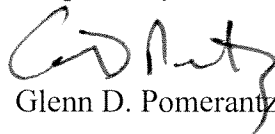
1. As to Plaintiffs' already adjudicated federal copyright claim based on Defendants' intentionally inducing infringement, and as to the relief to be awarded if Plaintiffs prevail on the vicarious liability claim to be tried, Plaintiffs' entitlement to equitable relief under the Copyright Act as well as the amount of statutory damages that Plaintiffs are entitled to recover pursuant to 17 U.S.C. § 504(c). Plaintiffs intend to establish that Defendants' committed their infringing conduct willfully, thereby increasing the range of each statutory award to \$150,000. Plaintiffs intend to seek a separate statutory award for each act of direct infringement for which Defendants are jointly and severally liable with separate infringing actors. 17 U.S.C. § 504(c).

2. As to Plaintiffs' already adjudicated state law claims for common law copyright infringement and unfair competition regarding Pre-1972 Recordings, the amount of compensatory and punitive damages to be awarded under state law, as well as Plaintiffs' entitlement to and the scope of the equitable relief to be awarded based on Defendants' unjust enrichment and other inequitable conduct.

3. Plaintiffs' entitlement to all equitable remedies allowed under state law if Plaintiffs prevail on their claims for fraudulent conveyance and/or unjust enrichment.

At the conclusion of the trial, Plaintiffs intend to seek their attorneys' fees and costs pursuant to 17 U.S.C. § 505 and to the maximum extent allowed under state law, and to recover pre- and post-judgment interest on all sums awarded to them.

Respectfully,



Glenn D. Pomerantz

cc: Joseph Baio, Willkie Farr (counsel for Defendants) (via email and fax)  
Tariq Mundiya, Willkie Farr (counsel for Defendants) (via email and fax)

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\*\*\* TX REPORT \*\*\*  
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MUNGER, TOLLES & OLSON LLP  
355 SOUTH GRAND AVENUE  
THIRTY-FIFTH FLOOR  
LOS ANGELES, CALIFORNIA 90071-1560  
PHONE: (213) 683-5132 FAX: (213) 683-5132

FROM: Glenn D. Pomerantz

TO: The Honorable Kimba M. Wood (212) 805-7900  
USDC - Southern District of New York

DATE: September 23, 2010

PAGES: 3 (incl. cover)

RE: *Arista Records LLC et al. v. Lime Wire LLC, et al.*,  
Case No. 06 CV 5936 (KMW)

MESSAGE:

*Pursuant to court order, please see the attached.*